

For Approval and Signature:

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- MAZDA INDUSTRIES AND LEASING LIMITED

MAZDA RISE CO.OP. HO.SOC.LTD.

MR JB PARDIWALA for Petitioner

CORAM : MR.JUSTICE P.B.M.....

Date of decision: 23/06/2000

The petitioner herein is the original defendant of Regular Civil Suit No.32 of 1993. The said suit has been filed by the respondent herein in the Court of Civil Judge (Senior Division), Umergaon. By this revision application, the petitioner has challenged the order passed by the learned Assistant Judge, Valsad at Navsari passed in Civil Miscellaneous Appeal No.125 of 1993. Initially, order of rule as well as notice as to interim relief was passed by this Court. Thereafter, at the time of considering the question about interim relief, passed the following order :-

"... In the facts and circumstances of the case, granting of interim relief as prayed for against the order of Assistant Judge, Navsari dated 30th of June, 1995 would virtually amount to allowing the Revision Application at this stage. Interim relief

is, therefore, refused. However, looking to the predicament to which the petitioner is put and looking to the fact that the lower appellate court has also ordered expeditious hearing of the suit, I hereby direct Civil Judge (J.D.), Umbergaon to take on file Regular Civil Suit No.32/1993 by 6th of October, 1995 to frame issues within a fortnight thereafter and to commence recording of evidence latest by 16th of October, 1995. Any application for adjournment by any party on any ground is directed to be rejected, and, if, Civil Judge (J.D.) fails to comply with this direction of the Court, action on administrative side shall be taken against him by this Court. The Civil Judge (J.D.) is further directed to dispose of the suit finally by 31st of December, 1995. The District Judge, Valsad, is directed to communicate this order to the trial Court and to see to it that directions of this Court are scrupulously complied with. If the suit is not taken up for hearing, i.e. for framing issue and for recording evidence as directed by this Court, it will be open to the petitioner to move this Court for taking action against a particular Judge.

The writ of this order to be sent down to the Civil Judge (J.D.), Umbergaon immediately as well as to the District Judge, Valsad...."

In view of the aforesaid order, now nothing further is required to be done in the revision application. In view of the aforesaid interim order passed by this Court, the revision has practically become infructuous and it could be practically presumed that the suit must have been over by this time. In that view of the matter and in view of the interim direction given by this Court, this revision application is not now required to be entertained on merits. The same is accordingly disposed of. Rule is discharged, with no order as to costs.

23rd June, 2000 ( P.B. Majmudar, J. )

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(apj)

